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JACKIE HODGE

PLAINTIFF

- AGAINST -

AMENDED COMPLAINT

THE CITY OF NEW YORK, POLICE OFFICER
ROBERTO CORDERO, SHIELD # 0400,
POLICE OFFICER K. CARPENTER, SHIELD # 5123
OF THE NARCOTIC BOBO MANHATTAN NORTH

CASE: 13 CIV. 2188 (ALC)

DEFENDANTS

PRELIMINARY STATEMENT

- This is a civil rights action in which plaintiff seeks relief for the violation of his rights secured by 42 USC § 1983 and the fourth and fourteenth Amendment to the United States Constitution, and the laws and Constitution of the STATE OF NEW YORK.
- 2- The claim arises from a November 17, 2010, incident in which OFFICERS of the NEW YORK CITY POLICE Department ("NYPD"), acting under color of the state law, intentionally and willfully subjected plaintiff to, among other things, malicious prosecution, false arrest and false imprisonment.
- 3- Plaintiff seeks monetary damages (special, compensatory, and punitive) against defendants, as well as an award of costs and attorney's fees, and such other and further relief as the Court deems just and proper.

JURISDICTION

- 4- This action is brought pursuant to 28 USC 1331, 42 USC § 1983, and the fourth and fourteenth Amendments to the United States Constitution. Pendent party jurisdiction and supplementary jurisdiction over plaintiff's state law claims are asserted.
- 5- The amount in controversy exceeds \$100,000.00 excluding interest and cost.
- 6- Venue is laid within the United States District Court for the Southern District of New York in that Defendant City of New York is located within and a substantial part of the events giving rise to the claim occurred within the boundaries of the Southern District of New York.

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PARTIES

- 1- Plaintiff is a citizen of the United States and at all times here relevant resides in Brooklyn, New York.
- 2- THE City of New York is a municipal corporation organized under the laws of the State of New York.
- 3- All other individual defendants ("the officers") are employees of the NYPD, and are sued in their individual capacities.
- 4- At all times here mentioned defendants were acting under color of state's law, to wit, under color of the statutes, ordinance, regulations, policies, customs, usages of the City and State of New York.

NOTICE OF CLAIM

- 1- On or about the 4th day of August, 2011 within 90 days of when the claim arose, the Plaintiff served a Notice of Claim in writing sworn to on their behalf upon the Defendant City of New York, by delivering thereof in duplicate to designated to receive such process personally, which Notice of Claim advised the Defendant CITY OF NEW YORK, of the nature, time, and manner in which the claim arose, the items of damage and injuries sustained so far as was determinable.
- 2- At least thirty (30) days have elapsed since the service of the claim prior to commencement of this action and adjustment of payment thereof has been neglected or refused, and this action has been commenced within one year ninety (90) days after the happening of the event upon which the claims are based.

FACTUAL ALLEGATIONS

- 1- On or about November 17, 2010 at approximately 12:15 PM, Plaintiff was in the vicinity of 420 East 105 Street in the County and State of New York, when the Defendants jointly and severally in their capacity as police officers, without any warrant, order or legal process and without any legal right, wrongfully and unlawfully arrested the Plaintiff,

restrained him and his liberty and then took him into custody to a police station in the County of New York and there charged him the crimes on docket 2010 NY 085819. The Plaintiff was thereafter held in custody for three (3) days, before the case was RORED. The case was dismissed on June 16, 2011.

4- As a direct and proximate result of the acts of Defendants, Plaintiff suffered the following injuries and damages:

a. Violation of his rights pursuant to the Fourth and Fourteenth Amendments to the United States Constitution to be free from unreasonable search and seizure of his person;

b. Violation of his right to Due Process of law under the Fourteenth Amendment to the United States Constitution;

c. Violation of his New York State Constitutional rights under Article 1, Section 12 to be free from an unreasonable search and seizure;

d. Violation of his NEW YORK State Constitutional right under Article 1, Section 6 to Due Process of Law;

e. Emotional trauma and suffering, including fear, embarrassment, humiliation, emotional distress, frustration, Extreme inconvenience, Anxiety; and

f. Loss of liberty

FIRST CAUSE OF ACTION (42 USC § 1983

15- The above paragraphs are here incorporated by reference

16- Defendants acted under color of law and conspired to deprive plaintiff of his civil, constitutional and statutory rights to be free from unreasonable search and seizure and to due process of law pursuant to Fourth and Fourteenth Amendments to the United States constitution and are liable to plaintiff under 42 USC §§ 1983 and §§ 6 and 12 of the New York State Constitution.

SECOND CAUSE OF ACTION

(FALSE ARREST AND ILLEGAL IMPRISONMENT)

- 18- The above paragraphs are here incorporated by reference.
- 19- Defendants subjected plaintiff to false arrest, false imprisonment, and deprivation of liberty without probable cause.
- 20- Defendants intended to confine plaintiff.
- 21- Plaintiff was conscious of his confinement and did not consent to his confinement.
- 22- Defendants have deprived plaintiff of his civil, constitutional and statutory rights and have conspired to deprive him of such rights and are liable to plaintiff under 42 USC §§ 1983, New York state common law, and the New York State Constitution.
- 23- As a result of the false arrest, imprisonment, and deprivation of liberty, plaintiff was damaged.

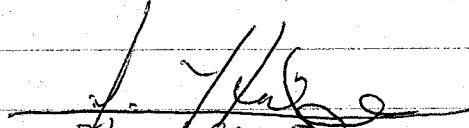
THIRD CAUSE OF ACTION

(MALICIOUS PROSECUTION)


- 24- The above paragraphs are here incorporated by reference.
- 25- The Defendants deliberately and maliciously prosecuted the plaintiff, an innocent man without any probable cause whatsoever, by filing or causing a felony complaint to be filed in the Criminal Court of the City of New York, New York County, for the purpose of falsely accusing the Plaintiff of violations laws of the State of New York.
- 26- The Defendants their agents, servants or Employees failed to take reasonable steps to stop the prosecution of the plaintiff and instead deliberately and maliciously provided false and/or incomplete information to the District Attorney's to induce prosecution of the plaintiff.
- 27- The commencement of these criminal proceedings under docket 2010 NY085819 was malicious and began in malice and without probable cause, so that the proceeding could succeed by the defendants.

28- As a result of the malicious prosecution, Plaintiff was deprived of his liberty and suffered humiliation, mental anguish, indignity and frustration of an unjust criminal prosecution. The Plaintiff remained in custody while defending his liberty against there unjust charges which was dismissed in their entirety on or about June 16, 2011.

Wherefore, the Plaintiff seeks relief for false arrest, malicious prosecution, and emotional trauma, also loss of liberty. And what other means this court see just and proper.


Plaintiff Pro-SE

SWORN to me this 19 day
of JUNE, 20 13.


Notary Public

DONALD C. CARTMELL
Notary Public, State of New York
Qualified in Washington Co. No. 01CA6138322
Commission Expires on December 19, 20 13

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
(COUNTY OF WASHINGTON) ss:

I, Jackie Hodge, being duly sworn, deposes and says:

I am the plaintiff in the enclosed action.

I have on this day of JUNE, 2013. Placed and submitted within the institutional mailbox locate at:

Washington Correctional Facility
72 Lock 11 Lane
P.O. Box 180
Comstock, NY 12821

The following:

AFFIDAVIT OF SERVICE

To be mailed and delivered via United States Postal Service upon the following:

United States District Court Clerk of the Court 500 Pearl Street
~~Southern District of NY~~ New York, New York, 10007

Sworn to me this 19 day
of JUNE, 20 13.

J. Hodge
Plaintiff, Pro-Se

Donald C. Cartmell
Notary Public

DONALD C. CARTMELL
Notary Public, State of New York
Qualified in Washington Co. No. 01CA6138322
Commission Expires on December 19, 20 13

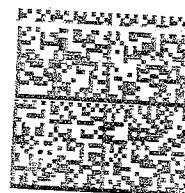
WASHINGTON CORRECTIONAL FACILITY

72 LOCK 11 LANE, P.O. BOX 180

COMSTOCK, NEW YORK 12821-0180

NAME: Mr. Justice Gabe DIN: 12A2777

WASHINGTON
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